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09/576,366	05/22/2000	Dejan N. Nenov	M-8603 US	1813

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EXAMINER

NGUYEN, MERILYN P

ART UNIT PAPER NUMBER

2171

DATE MAILED: 01/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/576,366

Applicant(s)

NENOV ET AL.

Examiner

Merilyn P Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16-22 is/are allowed.
- 6) ☒ Claim(s) 1,4-10,13,14 and 23-28 is/are rejected.
- 7) ☒ Claim(s) 2,3,11,12, and 15 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 May 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☒ Other: *Detailed action*.

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### DETAILED ACTION

1. In response to the communication dated 11/18/ 2003, claims 1-28 are active in this application.

#### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 7-9, and 23-28 rejected under 35 U.S.C. 103(a) as being unpatentable over Mazzamuto (US 5,665,953), in view of Hartman (US 5,822,736).

Regarding claims 1, 8 and 27-28, Mazzamuto teaches a database (12, Fig. 1 or Fig. 2) operable to maintain data for a plurality of known products (See col. 3, lines 15-18); and a processing facility (30, Fig. 2) coupled to the database (12, Fig. 1 or 2), the processing facility operable to receive raw data for an unidentified product from a plurality of diverse data sources (See col. 4, lines 62-63) each of which has its own separate identifier for the unidentified product (See col. 3, lines 30-31), to compare the raw data for the unidentified product against the data for the plurality of known products (See col. 4, lines 63-65), and when there is a match between the raw data for the unidentified product and the data for one of the plurality of known products, the

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system assigns a unique identifier to a matched product (See 3, lines 31-37 and col. 4, lines 65-66).

Mazzamuto does not teach each known product associated with a respective standardized product code and assigning the respective standardized product code of the matching product to the unidentified product. Hartman teaches a method of generating a generic price label or ticket, which includes a retail price of a product and information such as product number, store number, store name, and product pool (See col. 9, line 49 to col. 10, line 2, Hartman et al.). The label, including Product number is the standardized product code given by the retailer and is provided as an attachment to the product, or a location proximate a product such as on a store shelf on which the product is presented for sale. One of ordinary skill in the inventory art, having Mazzamuto and Hartman before her would have recognized that both systems might be improved if combined. Specifically, using the Mazzamuto device to print labels would expand the market ability of the device. Meanwhile, the use of the Mazzamuto device with the labeling would result in an obviously improved system of printing labels. Since the Hartman system is used in the inventory environment (See cols. 1-4), it would have been obvious to one having ordinary skill in the art to at the time of the invention to apply and combine the store code or store label onto unidentified products in Mazzamuto as taught by Hartman. Although Mazzamuto deals with coupon redemption system, its concept of recognizing unidentified product based on the comparison of raw data of the unidentified product to the data existed in the database of the known product can be applied to any of warehouse inventory system such as Harman because this would combine a system that is inventory satisfaction for diverse products.

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Regarding claims 7 and 9, Mazzamuto/Hartman discloses an interface coupled to the processing facility (See col. 5, lines 12-13), the interface operable to present the assigned standardized product code, as combined with Hartman, to an analyst for auditing (See col. 3, lines 62-65).

Regarding claims 23 and 25, Mazzamuto/Hartman discloses update the database with raw data for the unidentified product, in order to improve future data comparisons (See col. 4, lines 16-22).

Regarding claims 24 and 26, Mazzamuto/Hartman discloses if there is no match between the raw data for the unidentified product and the data for any of the plurality of known products, the processing facility is operable to create a new standardized product code and assign the new standardized product code to the unidentified product (See col. 3, lines 49-52).

3. Claims 4 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mazzamuto (US 5,665,953), in view of Levitsky (US 6,466,948).

Regarding claims 4 and 10, Mazzamuto discloses all of the claimed subject matter as set forth above in claims 1 and 8 respectively, except for parsing the raw data into a number of separate fields values for the unidentified product. On the other hand, Levitsky discloses parsing the raw data into a number of separate fields values for the unidentified product (See col. 11, lines 14-17, Levitsky et al.). It would have been obvious to one having ordinary skill in the art to include the parsing step in Mazzamuto system as taught by Levitsky. The motivation would

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have been to make the comparing step of Mazzamuto easier since matching each of separate fields of unidentified product with each of the fields of known product give more accurate result.

4. Claims 5, 6, and 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mazzamuto (US 5,665,953), in view of Shustorovich (US 5,912,986).

Regarding claims 5, 6, and 13, Mazzamuto discloses all of the claimed subject matter as set forth above in claims 1 and 8, respectively, except for generate at least one guess and a confidence measure for the at least one guess as to a known product which is a possible match for the unidentified product. On the other hand, Shustorovich discloses generating at least one guess and a confidence measure for the at least one guess (See col. 7, line 39 to col. 8, line 23, and col. 14, lines 33-47, Shustorovich et al.). It would have been obvious to one having ordinary skill in the art to include the step of generating at least one guess and a confidence measure for the at least one guess, as taught by Shustorovich, to a known product of Mazzamuto. The motivation would have been to avoid mismatch during comparing process.

Regarding claim 14, Mazzamuto/Shustorovich disclose presenting the at least one guess, as addressed above in claim 13, to an analyst for assigning a standardized product code to the unidentified product (See col. 3, lines 53-55, and 62-65, Mazzamuto et al.).

**Allowable subject matter**

5. Claims 2, 3, 11, 12 and 15 are objected to as being dependent upon rejected base claims, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claim.

Claims 16 and 22 are allowable.

The following is a statement of reasons for the indication of allowable subject matter:

The prior art of record fails to disclose or suggest the claimed limitations of the raw data comprises a raw description and set of field values for the unidentified product and the data maintained in the database comprises a separate stored description and set of field values for each of the plurality of known products in the conjunction with the remaining, salient claim provisions.

Claims 17-21 and 23-26 are allowable because they are dependent on allowable claims.

***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Straub U.S Patent No. 6,035,284 discloses system and method for product rationalization.

Jacobs U.S Patent No. 5,726,898 discloses method and apparatus for storing and selectively retrieving and delivering product data based on embedded expert judgments.

Freeman U.S Patent No. 6,134,557 discloses materials and supplies ordering system.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marilyn P Nguyen whose telephone number is 703-305-5177.

The examiner can normally be reached on M-F: 8:30 - 5:00.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 703-308-1436. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-746-7240 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Mn

MN

December 19, 2003

  
SAFET METJAHIC  
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